

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CHRISTINE E. MARFUT,

Plaintiff,

v.

Case No: 2:19-cv-172-JES-MRM

CHARLOTTE COUNTY, FLORIDA,
RHONDA LEONARD, individual
and in her official
capacity, GLENN SIEGEL,
Special Magistrate in his
official capacity and as an
individual, and PROMPT
TOWING SERVICE,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #45), filed April 7, 2021, recommending that the case be dismissed without prejudice for failure to prosecute. No objections have been filed and the time to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9

(11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

This case was initiated on March 20, 2019. (Doc. #1.) Since the initial filing, the only activity in the case has been plaintiff's amendment of pleadings, plaintiff's repeated attempts at service, and plaintiff's repeated requests for a default after attempting service (docs. ## 10, 21, 27, 40). The Magistrate Judge provided plaintiff numerous opportunities and guidance to properly effectuate service of process. On December 23, 2020, plaintiff was provided yet another extension of time, and also warned that the "failure to effectuate proper service of process may result in the dismissal of this case without further notice." (Doc. #43.) After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

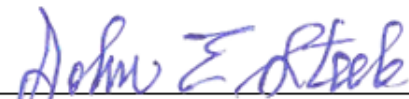
Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #45) is hereby **adopted** and the findings incorporated herein.

2. The Clerk shall enter judgment dismissing the case without prejudice for failure to prosecute, terminate all pending motions and deadlines, and close the file.

DONE and ORDERED at Fort Myers, Florida, this 3rd day of May, 2021.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties